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Lilith Games (Shanghai) Co. Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Blizzard Entertainment, Inc., and Valve
Corporation,

Plaintiffs,

v.

Lilith Games (Shanghai) Co. Ltd., uCool, Inc.,
and uCool Ltd.,

Defendants.

Case No. 3:15-cv-04084-CRB-JSC

**DECLARATION OF W. BARTON
RANKIN IN SUPPORT OF LILITH
GAMES (SHANGHAI) CO. LTD.'S
MOTION TO DISMISS PLAINTIFFS'
SECOND AMENDED COMPLAINT
AND MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT**

Date: February 2, 2018
Time: 10:00 a.m.
Crtrm: 6, 17th Floor
Before: The Hon. Charles R. Breyer

1 1. My name is Weldon Barton Rankin, and I am over the age of twenty-one (21) years,
2 of sound mind, and am counsel of record for Defendant, Lilith Games (Shanghai) Co. Ltd (“Lilith”).
3 I am currently employed as a Partner with the law firm of Baker & McKenzie LLP, and in that role, I
4 have been personally involved in drafting, filing, and serving pleadings and discovery responses in
5 this matter, as well as communicating directly with Plaintiffs’ counsel. As a result, I have personal
6 knowledge of the statements set forth in this declaration.
7

8 2. On May 24, 2017, Plaintiffs served its first set of interrogatories and second requests
9 for production on Lilith. Subject to its objections, Lilith responded to Plaintiffs’ discovery requests
10 with respect to Lilith’s game Dot Arena. In those responses, Lilith disclosed that Dot Arena was
11 developed in China, maintained on servers located outside the U.S., and released for users in
12 Southeast Asia. (*See* Lilith’s Objections and Responses to Plaintiffs First Set of Interrogs, Interrogs.
13 5-17, at 3, a true and correct copy of which is submitted as Ex. A to this declaration.) Further, Lilith
14 disclosed that only a limited number of users had actually accessed and played Dot Arena from a
15 U.S. IP address, and that the total revenues generated from that use equaled approximately
16 \$10,222.29 USD. (*Id.*) Because of the lack of revenue being generated by Dot Arena, as of
17 approximately August 7, 2017, it was no longer available for new users to download. (*See* Lilith’s
18 Objections and Responses to Plaintiffs First Set of Interrogs., Interrogs. 1-4, at 3, a true and correct
19 copy of which is submitted as Ex. B to this declaration.)
20
21

22 3. I personally obtained the following screen shots of Soul Hunters, Dota 2, and World
23 of Warcraft III from <https://www.youtube.com/watch?v=HtO9JSwWwU0>,
24 <http://www.dota2.com/play/>, and [https://en.wikipedia.org/wiki/Warcraft III: Reign of Chaos](https://en.wikipedia.org/wiki/Warcraft_III:_Reign_of_Chaos),
25 respectively:
26
27
28

SOUL HUNTERS



DOTA 2



WORLD OF WARCRAFT III



1 4. As referenced in Lilith's Motion to Dismiss Plaintiffs Second Amended Complaint
2 filed contemporaneously with this declaration, I have submitted as Exhibits C to this declaration
3 Lilith's further analysis of the remaining images from Exhibit A to Plaintiffs' Second Amended
4 Complaint as those images relate to Lilith's game Soul Hunters. Further, as also referenced in
5 Lilith's Motion to Dismiss Plaintiffs Second Amended Complaint filed contemporaneously with this
6 declaration, I have submitted as Exhibits D to this declaration Lilith's further analysis of the
7 remaining images from Exhibit B to Plaintiffs' Second Amended Complaint as those images relate
8 to Lilith's game Soul Hunters.
9

10
11 I declare under the penalty of perjury that the foregoing is true and correct.
12
13

14
15
16 Dated: November 17, 2017



W. Barton Rankin
Attorney for Lilith Games (Shanghai) Co. Ltd.